

ESTTA Tracking number: **ESTTA162816**

Filing date: **09/14/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91167151
Party	Plaintiff Flowers Bakeries Brands, Inc.
Correspondence Address	Olivia Maria Baratta KILPATRICK STOCKTON LLP 1100 Peachtree Street Atlanta, GA 30309-4530 UNITED STATES mbaratta@kilpatrickstockton.com, tdavis@kilpatrickstockton.com, aljones@kilpatrickstockton.com, cicarter@kilpatrickstockton.com
Submission	Other Motions/Papers
Filer's Name	Olivia Maria Baratta
Filer's e-mail	mbaratta@kilpatrickstockton.com
Signature	/Maria Baratta/
Date	09/14/2007
Attachments	Stipulated Protective Order.pdf (4 pages)(155637 bytes)

this action; and any portions of any documents filed in this action which quote from or summarize any of the foregoing documents.

2. All Documents produced by the Parties shall be considered "Confidential" for the purposes of this proceeding. Confidential Documents, and any information contained therein or derived therefrom, shall not be disclosed to anyone other than the following persons:

- (a) Outside counsel representing any Party in connection with this proceeding and the employees of such counsel (including the attorneys and employees of Pagel, Davis & Hill, P.C. and Kilpatrick Stockton LLP);
- (b) Any bona fide outside expert (which shall not include any customer, supplier or competitor of any Party) retained by counsel to assist in the prosecution or defense of this action;
- (c) Any employee or agent of an expert assisting such expert in this action;
- (d) Any court reporter or typist recording or transcribing testimony;
- (e) Representative of the Parties' respective insurers who have agreed to provide coverage with respect to the defense of claims in this action;
- (f) The Trademark Trial and Appeal Board; and
- (g) Any other person upon which the parties agree in writing, either as to all or any "Confidential" information.

3. Either of the Parties may designate especially sensitive Confidential Documents or information as being produced for Attorneys' Eyes Only. This designation shall be made as sparingly as possible. Where the marking or designation of documents, testimony, pleadings or things is required, a legend bearing the words "ATTORNEYS EYES ONLY" or its equivalent shall be used in addition to the legend bearing the word "CONFIDENTIAL."

4. All Documents produced by the Parties shall be used only for purposes of this proceeding and shall not be disclosed or used for any other purpose.

5. If the Parties or their attorneys disagree as to whether certain information should be protected, they are obligated to negotiate in good faith regarding the designation by the disclosing party. If the Parties are unable to resolve their differences, the Party challenging the designation may make a motion before the Board seeking a determination of the status of the information. A challenge to the designation of information as protected must be made substantially contemporaneous with the designation, or as soon as practicable after the basis for challenge is known. When a challenge is made long after a designation of information as protected, the challenging Party will be expected to show why it could not have made the challenge at an earlier time. The Party designating information as protected will, when its designation is timely challenged, bear the ultimate burden of proving that the information should be protected.

6. The inadvertent production of Confidential Documents will not waive the protection to which the Confidential Documents are entitled. Upon a request from a Party that has inadvertently produced any Document that it believes may be subject to the privilege, any Party receiving said Document shall immediately return it to the producing Party.

7. All Documents produced by the Parties during the pendency of this proceeding shall be destroyed by the persons possessing same or returned to Counsel for the respective Party that produced same when the proceeding is concluded.

8. The terms of this Stipulated Protective Order shall survive and remain in full force and effect during discovery and after the termination of this action.

Dated: February 25, 2006.

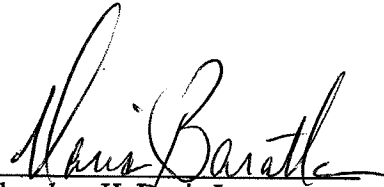
Dated: September 14, 2007

Stipulated by:



Martyn B. Hill
Bartt G. Thompson
PAGEL, DAVIS & HILL, P.C.
1415 Louisiana, 22nd Floor
Houston, Texas 77002
Telephone: (713) 951-0160
Fax: (713) 951-0662

Attorneys for Applicant



Theodore H. Davis Jr.
Olivia Maria Baratta
KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
Telephone: (404) 815-6500
Fax: (404) 815-6555

Attorneys for Opposer